

stevedores and longshoremen are not regarded as "seamen." Similarly, stevedores or roustabouts traveling aboard a vessel from port to port whose principal duties require them to load and unload the vessel in port would not themselves come within the exemption even though during the voyage they may perform from time to time certain services of the same type as those rendered by other employees who would be regarded as seamen under the act. However, an employee employed as a seaman would not be outside the exemption simply because, as an incident to that employment, he assists in the loading or unloading of baggage or freight at the beginning or end of a voyage.

6. Barge tenders on non-self-propelled barges who perform the normal duties of their occupation, such as attending to the lines and anchors, putting out running and mooring lines, pumping out bilge water, and other similar activities necessary and usual to the navigation of barges, are considered seamen within this exemption unless they do a substantial amount of nonexempt work. Loading and unloading and activities relative thereto will be considered nonexempt work. Employees on seagoing barges would also seem to be employed as seamen.

7. Various situations are presented with respect to employees rendering watchman or similar service aboard a vessel in port. Where such services are rendered by members of the crew during a temporary stay in port or during a brief lay-up for minor repairs such employees would be within the exemption. Where the vessel is laid up for a considerable period members of the crew rendering watchman or similar service aboard the

vessel would not appear to be within the exemption because their services are not rendered primarily as an aid in the operation of the vessel as a means of transportation. Furthermore, employees who are furnished by independent contractors to perform watchman or similar service aboard a vessel while in port would not be employed as "seamen," regardless of the period of time the vessel is in port, since their services are not of the type described in paragraph 3 above. The same considerations would apply in the case of a temporary or skeleton crew hired to maintain the vessel while in port so that the regular crew may be granted shore leave.

8. Section 13 (a) (5), which provides an exemption from both the wage-and-hour provisions for employees engaged in certain operations in the sea-food and fishery industry, is discussed in Interpretative Bulletin No. 12. In addition, attention is directed to section 13 (b) (2) of the act, which provides an exemption from the maximum hour provisions for "any employee of an employer subject to the provisions of part I of the Interstate Commerce Act."